Supreme Court, U.S.
FILED
JAN 11 2009
OFFICE OF THE CLERK

NO. 09A648

IN THE UNITED STATES SUPREME COURT

Supreme Court, U.S.
FILED
JAN 11 2010
OFFICE OF THE CLERK

IN RE: DENNIS HOLLINGSWORTH, GAIL J. KNIGHT, MARTIN F. GUTIERREZ, MARK A. JANNSON, AND PROTECT-MARRIAGE.COM—YES ON 8, A PROJECT OF CALIFORNIA RENEWAL

DENNIS HOLLINGSWORTH, et al.,
Petitioners,

vs.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA,
Respondent,

KRISTEN M. PERRY, SANDRA B. STIER, PAUL K. KATAMI, JEFFREY J. ZARRILLO, CITY AND COUNTY OF SAN FRANCISCO, NON-PARTY THE MEDIA COALITION, ARNOLD SCHWARZENEGGER, in his official capacity as Governor of California, EDMUND G. BROWN, JR., in his official capacity as Attorney General of California, MARK B. HORTON, in his official capacity as Director of the California Department of Public Health and State Registrar of Vital Statistics, LINETTE SCOTT, in her official capacity as Deputy Director of Health Information & Strategic Planning for the California Department of Public Health, PATRICK O'CONNELL, in his official capacity as Clerk-Recorder for the County of Alameda, DEAN C. LOGAN, in his official capacity as Registrar-Recorder/County Clerk for the County of Los Angeles, and HAK-SHING WILLIAM TAM,
Real Parties in Interest.

On Appeal from the United States District Court
for the Northern District of California

SUPPLEMENTAL BRIEF BY NON-PARTY MEDIA COALITION IN OPPOSITION TO APPLICATION FOR IMMEDIATE STAY OF THE DISTRICT COURT'S ORDER PERMITTING PUBLIC BROADCAST OF TRIAL PROCEEDINGS

THOMAS R. BURKE
Counsel of Record
ROCHELLE L. WILCOX
DAVIS WRIGHT TREMAINE LLP
505 Montgomery Street, Suite 800
San Francisco, California 94111
(415) 276-6500; (415) 276-6599 fax

Attorneys for Non-Party Media Coalition
ABC NEWS; KGO TV; KABC TV; CABLE NEWS NETWORK; IN SESSION (formerly known as "COURT TV"); FOX NEWS; NBC UNIVERSAL, INC.; CBS NEWS; HEARST CORPORATION; DOW JONES & COMPANY, INC.; THE ASSOCIATED PRESS; and NORTHERN CALIFORNIA CHAPTER OF RADIO & TELEVISION NEWS DIRECTORS ASSOCIATION

TO THE HONORABLE ANTHONY M. KENNEDY, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE NINTH CIRCUIT:

The Non-Party Media Coalition, ABC News; KGO TV; KABC TV; Cable News Network; In Session (formerly known as "Court TV"); Fox News; NBC Universal, Inc.; CBS News; Hearst Corporation; Dow Jones & Company, Inc.; The Associated Press; and Northern California Chapter of Radio & Television News Directors Association (the "Media Coalition") respectfully submits the attached letter dated January 10, 2010, from the Honorable Alex Kozinski, Chief Judge of the United States Court of Appeals for the Ninth Circuit, to the Honorable Anthony J. Scirica, Chairman, Executive Committee, Judicial Conference of the United States, and James C. Duff, Esq., Secretary, Judicial Conference of the United States (the "Letter").

As reflected in the attached Letter, it was filed with the district court in this matter on January 11, 2010, as Docket No. 406. The Letter was not available to the Media Coalition when it submitted its Opposition to the Stay Application that is currently pending before the Court. The Letter contains information regarding the decision-making process that led the Ninth Circuit Court of Appeals to adopt the pilot program at issue in this matter, and the Media Coalition believe it will assist the Court in analyzing the Stay Application.

Accordingly, the Media Coalition respectfully requests that the Court permit the filing of this Supplemental Brief.

RESPECTFULLY SUBMITTED this 10th day of January, 2010.

DAVIS WRIGHT TREMAINE LLP
THOMAS R. BURKE
ROCHELLE L. WILCOX

By /s/ Thomas R. Burke
Thomas R. Burke

Attorneys for Non-Party Media Coalition ABC NEWS; KGO TV; KABC TV; CABLE NEWS NETWORK; IN SESSION (formerly known as "COURT TV"); FOX NEWS; NBC UNIVERSAL, INC.; CBS NEWS; HEARST CORPORATION; DOW JONES & COMPANY, INC.; THE ASSOCIATED PRESS; and NORTHERN CALIFORNIA CHAPTER OF RADIO & TELEVISION NEWS DIRECTORS ASSOCIATION